

1 HONORABLE RICHARD A. JONES
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST ADMINISTRATORS
INC.,

Plaintiff,

v.

HAROLD SMITH & SON, INC., a
California corporation,

Defendant.

CASE NO. C20-552-RAJ
ORDER

I. INTRODUCTION

This matter comes before the Court on Plaintiff's motion for default judgment. Dkt. # 8. Having reviewed the record, the Court **GRANTS** the motion and directs the clerk to enter default judgment as directed at the conclusion of this order.

II. BACKGROUND

Plaintiff, the authorized administrative agent for and assignee of the Western Conference of Teamsters Pension Trust Fund, brought this action to obtain liquidated damages, interest, attorney's fees and costs related to Defendant Harold Smith & Son, Inc.'s failure to remit monthly pension contributions in a timely fashion over a four-

1 month period. Dkt # 8 at 2. Defendant's registered agent, Pam Raybould, was properly
 2 served on April 24, 2020. Dkt. # 6-1 at 2. Defendant failed to file a response to the
 3 complaint. On May 29, 2020, Plaintiff filed a motion for default against Defendant. Dkt.
 4 # 6. On June 1, 2020, a Clerk's Order of Default was issued. Dkt. # 7. On June 26,
 5 2020, Plaintiff filed a motion for default judgment. Dkt. # 8. Defendant again failed to
 6 file a response.

7 **III. LEGAL STANDARD**

8 At the default judgment stage, a court presumes all well-pleaded factual allegations
 9 are true, except those related to damages. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915,
 10 917-18 (9th Cir. 1987); *see also Fair House. of Marin v. Combs*, 285 F.3d 899, 906 (9th
 11 Cir. 2002). The entry of default judgment under Rule 55(b) is "an extreme measure," and
 12 disfavored cases should be decided on their merits whenever reasonably possible. *Cmtv.*
 13 *Dental Servs. v. Tani*, 282 F.3d 1164, 1170 (9th Cir. 2002); *also see Westchester Fire Ins.*
 14 *Co. v. Mendez*, 585 F.3d 1183, 1189 (9th Cir. 2009).

15 In addition, Federal Rule of Civil Procedure 55(b)(1) permits a court to enter
 16 default judgment when a plaintiff's claim "is for a sum certain or a sum that can be made
 17 certain by computation." Fed. R. Civ. P. 55(b)(1). In moving a court for default
 18 judgment, a plaintiff must submit evidence supporting the claims for a particular sum of
 19 damages. Fed. R. Civ. P. 55(b)(2)(B). In determining damages, a court can rely on
 20 declarations submitted by a plaintiff. *Dr. JKL Ltd. v. HPC IT Educ. Ctr.*, 749 F. Supp. 2d
 21 1046 (N.D. Cal. 2010). Where there is evidence establishing a defendant's liability, a
 22 court has discretion, not an obligation, to enter a default judgment. *Aldabe v. Aldabe*, 616
 23 F.2d 1089, 1092 (9th Cir. 1980); *see also Alan Neuman Productions, Inc. v. Albright*, 862
 24 F.2d 1388, 1392 (9th Cir. 1988).

25 **IV. DISCUSSION**

26 Plaintiff has presented evidence that establishes that Defendant was delinquent in
 27 its monthly contributions to the pension fund for the period between January 2020

1 through April 2020. Dkt # 8 ¶ 11. Defendant made four delayed payments in 2020: (1)
 2 January (due February 10, 2020 and received on April 27, 2020); February (due March
 3 10, 2020 and received on May 18, 2020); March (due April 10, 2020 and received May
 4 18, 2020), and April (due May 10, 2020 and received on June 8, 2020). *Id.*

5 Pursuant to the terms of the parties' Agreement and Declaration of Trust,
 6 Defendant is required to pay liquidated damages equal to twenty percent of delinquently
 7 paid contributions, interest on the amount due, as well as attorney's fees and costs. Dkt.
 8 # 9-1 at 5. Plaintiff has shown the interest rate at the time the contributions were due was
 9 five percent per annum. Dkt. # 8-1 at 4. Plaintiff has provided evidence of the amount
 10 delinquent for each month and has calculated the total amount due accordingly:

Month	Delinquent contribution	Liquidated damages (20% of contribution)	Interest (5% per annum)
January 2020	\$15,956.50	\$3,191.30	\$168.31
February 2020	\$16,247.00	\$3,249.40	\$153.57
March 2020	\$17,263.75	\$3,452.75	\$89.87
April 2020	\$18,410.00	\$3,682.00	\$73.14
Total		\$13,575.45	\$484.88

18 Dkt. # 9-1 at 11-24.

19 Accordingly, Plaintiff has shown that it is entitled to liquidated damages in the
 20 amount of \$13,575.45 and interest in the amount of \$484.88. *Id.* Plaintiff has also
 21 presented evidence of attorney's fees and costs. Dkt # 8 ¶ 15. In accordance with
 22 *Trustees of the Const. Indus. & Laborers Health & Welfare Trust v. Redland Ins. Co.*,
 23 460 F.3d 1253, 1256-57 (9th Cir. 2006), the Court awards the hourly fees of both
 24 Plaintiff's counsel and counsel's hourly-billing support staff. The Court finds that
 25 Plaintiff's evidence supports an attorney fee award of \$1,008 and costs of \$545. Dkt.
 26 # 8-1 at 6.

V. CONCLUSION

For the reasons stated above, it is hereby **ORDERED** that:

- (1) Default judgment is entered in favor of Northwest Administrators Inc. and against Harold Smith & Son Inc.; and,
- (2) Default judgment is for the total amount of \$15,613.33.

Dated this 20th day of August, 2020.

Richard D. Jones

The Honorable Richard A. Jones
United States District Judge